

## **DECLARATION OF EMERGENCY**

### **Department of Environmental Quality Office of the Secretary**

#### **Sewage Sludge and Biosolids Use or Disposal (LAC 33:IX.7301) (WQ078E)**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to prevent the unauthorized disposal of sewage sludge in treatment works treating domestic sewage and other areas unprepared to receive the waste stream.

This Emergency Rule will allow the department to implement the registration of the transporters of sewage sludge as required by Act 56 of the 2008 Legislative session and effective on July 1, 2009. The potential for unauthorized dumping of sewage sludge presents a potential health risk to the public and the environment in areas of the state that are underdeveloped for receiving the waste. The Emergency Rule provides for proper regulation of sewage sludge for better protection of human health and environment.

The rule allows the department to approve the registrations of transporters of sewage sludge who meet the requirements for registration except that they have designated receiving facilities that have not yet been permitted by the Office of Environmental Services, Water Permits Division. The rule gives the unpermitted facilities four months to submit applications to LDEQ. This change will give the department the ability to ensure that transporters haul to permitted facilities, thereby preventing the unauthorized disposal of sewage sludge.

This Emergency Rule is effective on July 1, 2009, and shall remain in effect for a maximum of 120 days. For more information concerning WQ078E, you may contact the Regulation Development Section at (225) 219-3985

Adopted this 1st day of July, 2009.

Harold Leggett, Ph.D.  
Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part IX. Water Quality**  
**Subpart 3. Louisiana Sewage Sludge and Biosolids Program**

**Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids**

**Subchapter A. Program Requirements**

**§7301. General Provisions**

A. – F.1.e.ii. ...

2. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, ~~and.~~ However, the Office of Environmental Services shall conditionally approve the registration of a transporter naming a receiving facility not permitted to receive sewage sludge or mixtures thereof, provided that all other registration requirements have been met. This conditional approval may be revoked if the Office of Environmental Services has not received a completed permit application from the named receiving facility by October 28, 2009, or if the named receiving facility notifies the Office of Environmental Services that it will not accept sewage sludge from a transporter. All transporters shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

F.2.a.i. – I.2.k. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2366 (November 2007), repromulgated LR 34:1028 (June 2008), amended LR 35:927 (May 2009), LR 35:\*\*.